

COUNTY OF LOS ANGELES

**SHERIFF'S DEPARTMENT**

*A Tradition of Service*

DATE: November 16, 2006

OFFICE CORRESPONDENCE

FILE NO.

FROM: JOHNNY G. JURADO, COMMANDER  
LEADERSHIP AND TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN  
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS  
HIT SHOOTING, JANUARY 9, 2006, REVIEW #SH2162446**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on January 9, 2006.

The Committee met on November 16, 2006, and consisted of myself and Commanders Eric B. Smith (Leadership and Training Division) and Cecil W. Rhambo (FOR I). The Committee determined the use of force by Deputies Patrick Neal # [REDACTED] and Manuel Martinez # [REDACTED] was within Department policy.

Please inform the deputies of this results.

JGJ:MOT:mt



## **TABLE OF CONTENTS**

### **Hit Shooting Review**

Hit Shooting Evaluation  
Officer Involved Shooting Form  
Force Committee Review Summary

### **Exhibits**

- Exhibit A      Homicide Bureau Complete Investigation package, under file # 006-00427-22824-145, prepared by Detectives Joe Romero and George Martinez. Investigation includes interviews of witnesses, witness Sheriff's personnel, involved deputy personnel, and all evidence related to incident.
- Exhibit B      D.A.'s Letter of Opinion, Dated May 25, 2006
- Exhibit C      Criminal History print out for Subject [REDACTED]
- Exhibit D      Photographs of scene

### **Miscellaneous Documents**

Sheriff's Memorandum from Chief Castro to Sheriff Baca, dated January 11, 2006.

# Los Angeles County Sheriff's Department

## Officer Involved Shooting

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Report Date: <b>01-09-2006</b>		Bureau/Station/Facility: <b>Compton Station</b>		Admin. Invest? <input type="checkbox"/> Hit? <input checked="" type="checkbox"/>	
<b>Incident Information</b>					
URN: <b>006-00427-2824-145</b>		Date: <b>01-09-2006</b>		Time: <b>0124</b>	
City or Station: <b>Compton Station</b>		Nature of Incident: <b>Deputies receive a radio call of a prowler armed with a handgun. Deputies locate suspect, order him to drop the weapon and the suspect charges at deputies. Deputies fire at suspect, striking him several times. Suspect is taken into custody and replica weapon recovered.</b>			
Location: <b>N. Sloan Avenue</b>					
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School <u>Street</u> Other: _____	Lighting (circle only one): <u>Darkness</u> Daylight Other <u>Street Lights</u>	Incident Type (circle one or more): Accidental <u>Armed Person</u> <u>Fleeing Suspect</u> Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Stallie Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other: _____		Initiated by (circle only one): Arrest Warrant <u>Call</u> Observation One Person Unit Other Search Warrant <u>Two Person Unit</u>	
	Weather (circle only one): Clear Cloudy <u>Fog</u> Rain			Prior Activity (circle only one): Detective Inmate Transport Other <u>Routine Patrol</u>	
	Distance: <b>15-20 feet</b>				
Total # of Shots Fired by Deputy <b>21</b>	Total # of Shots Fired by Suspect <b>0</b>	Aero Unit? <input type="checkbox"/> Canine Unit? <input type="checkbox"/>			
<b>Employee Witnesses</b>					
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): <u>EM</u> PM Day	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
	<b>Aguilar Jr.</b>	<b>Henry</b>			
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): <u>EM</u> PM Day	ShiftType (circle only one): <u>Regular</u> Overtime Off Duty
	<b>Burk</b>	<b>Roland</b>			
Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty
<b>Non-Employee Witnesses</b>					
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.	
Street Address		City	Zip Code	Work Ph	Home Ph
<b>Supervisors</b>					
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting	
	<b>Downey</b>	<b>Steven</b>	<b>S</b>	Witness to shooting Involved in shooting	
Employee #	Last Name	First Name	M.I.	(circle one or more): <u>On Duty</u> Present during shooting	
				Witness to shooting Involved in shooting	
<b>Watch Sergeant</b>					
Employee #	Last Name	First Name		M.I.	
<b>Watch Commander</b>					
Employee #	Last Name	First Name		M.I.	
	<b>Alerich</b>	<b>Michael</b>		<b>J.</b>	

PSTD Use Only

SH # **2162446**

### Rollout Information

Arrival Date	01-09-06	Arrival Time	0255	Date Submitted	01-09-06	Date of Recommendation	
Employee #	[REDACTED]	Last Name	Lee	First Name	Stacy	M.I.	L.
Employee #	[REDACTED]	Last Name	Landreth	First Name	Larry	M.I.	L.
Employee #	[REDACTED]	Last Name	Taylor	First Name	Rossanna	M.I.	M.
Shooting / Force Information							

### Shooting / Force Information

## Method

(AW)	Arwen	(OV)	Other Weapon: Vehicle
(BC)	Baton: (Control)	(OB)	Other Weapon: Blunt Object
(BI)	Baton: (Impact)	(OO)	Other Weapon: Other
(BF)	Bodily Fluids	(PK)	Personal Weapon: Feet/Leg: (Kick)
(CN)	Canine	(PS)	Personal Weapon: Feet/Leg: (Sweep)
(CR)	Carotid Restraint	(PI)	Personal Weapon: (Hand/Arm)
(CH)	Choke Hold	(PP)	Personal Weapon: (Push)
(CT)	Control Holds: (Control Techniques)	(PO)	Personal Weapon: (Other)
(TT)	Control Holds: (Team Takedown)	(RS)	Resistance
(TD)	Control Holds: (Takedown)	(CN)	Restraint Device: (Capture Net)
(CE)	Chemical	(RH)	Restraint Device: (Handcuffs)
(OC)	Chemical Agents (OC Spray)	(HB)	Restraint Device: Hobble (Legs Only)
(TG)	Chemical Agents (Tear Gas)	(TP)	Restraint Device: Hobble (TARP)
(EX)	Explosives	(RE)	Restraint Device: REACT Belt
(FH)	Firearm (Handgun)	(SP)	Sap
(FR)	Firearm (Rifle)	(SH)	Shield
(FS)	Firearm (Shotgun)	(SG)	37mm Stinger
(FO)	Firearm (Other)	(SB)	Sting Ball
(FB)	Flashbang	(ST)	Stun Bag
(FL)	Flashlight	(TR)	Taser
(OE)	Other Weapon: Edged	(UC)	Uncooperative

## Type of Injury

(AB)	Abrasion
(BR)	Bruise
(BU)	Burn
(CP)	Complaint of Pain
(CO)	Concussion
(DH)	Death
(DI)	Dislocation
(DB)	Dog Bite
(FR)	Fractures
(GS)	Gunshot
(HB)	Human Bite
(LC)	Lacerations
(ND)	Nerve Damage
(OD)	Organ Damage
(PA)	Paralysis
(PW)	Puncture Wound
(SD)	Soft Tissue Damage
(ST)	Sprain/Twists
(UN)	Unconscious
(RM)	Refused Med Treatment
(NN)	NONE

**Body Part Injured**

(AD)	Abdomen
(AK)	Ankle
(AR)	Arm
(BK)	Back
(BT)	Buttocks
(CH)	Chest
(EL)	Elbow
(FA)	Face
(FE)	Feet
(FI)	Fingers
(GE)	Genitals
(GR)	Groin
(HD)	Hand
(HE)	Head
(HI)	Hip
(IN)	Internal
(KN)	Knees
(LE)	Leg
(NK)	Neck
(SH)	Shoulder
(WR)	Wrist

## Brand

(AK)	AK-47	(IV)	Iver Johnson	(RI)	RGI
(BN)	Benelli	(JE)	Jennings	(RO)	Rossi
(BR)	Beretta	(LO)	Lorcin	(SW)	Smith & Wesson
(BW)	Browning	(LU)	Luger	(SR)	Sturm Ruger
(CH)	Charter Arms	(MA)	Marlin	(ST)	Sterling
(CO)	Colt	(MO)	Mossberg	(TA)	Taurus
(DA)	Davis Industries	(NC)	NCI aka SKS	(WE)	Weatherby
(GL)	Glock	(NA)	North American	(WN)	Winchester
(HA)	Harrington & Richardson	(NO)	Norinco	(US)	US Government
(HI)	Hi Standard	(RA)	Raven	(YY)	Handmade (Inmate)
(HK)	H & K	(RM)	Remington	(XX)	Homemade (Non-Inmate)
(IT)	Itasca	(RG)	RG	(ZZ)	Other Brand

**Caliber**

(9) 9 mm	(24) .243 caliber	(41) .410 gauge
(10) 10 mm	(25) .25 caliber	(44) .44 caliber
(12) 12 gauge	(30) .308 caliber	(45) .45 caliber
(20) 20 gauge	(35) .357 caliber	(50) 50 mm
(21) 22-250	(36) 30-80 caliber	(SL) Slug
(22) .22 caliber	(38) .38 caliber	(WW) Other caliber
(23) .223 caliber	(40) .40 caliber	

**FORCE APPLIED** (one code per block)[illegible]

# Officer Involved Shooting Involved Employee Information

URN: 006-00427-2824-145

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## Involved Employee

<b>E 1</b>	Employee #	Last Name <b>Neal</b>	First Name <b>Patrick</b>	M.I.
Sex: <b>M</b>	Race: <b>B</b>	Rank <b>DS/B-1</b>	Unit Assignment: <b>CPT</b>	Work Assignment (Unit #, Module, etc.): <b>281</b>
ShiftTime (circle only one): <b>EM</b> PM Day		ShiftType (circle only one): <b>Regular</b> Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used:		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case # <input type="checkbox"/> Interviewed? <input checked="" type="checkbox"/>
Hrs of sleep prior to shooting: <b>8</b>		Duty Time (hrs):		Other Factors: <b>No laser sights</b>
Age: <b>5-10</b>	Height: <b>190</b>	Weight: <b>190</b>		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest <b>Uniform w/ Vest</b> Raid Jacket w/ Vest Uniform no Vest Raid Jacket no Vest
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings? <input checked="" type="checkbox"/> Number of Prior Shootings: <b>3</b>
Field Training Officer Emp #		Last Name		First Name M.I.
Field Training Officer Emp #		Last Name		First Name M.I.

<b>E 2</b>	Employee #	Last Name <b>Martinez</b>	First Name <b>Manuel</b>	M.I. <b>F.</b>
Sex: <b>M</b>	Race: <b>H</b>	Rank <b>DSG</b>	Unit Assignment: <b>CPT</b>	Work Assignment (Unit #, Module, etc.): <b>281</b>
ShiftTime (circle only one): <b>EM</b> PM Day		ShiftType (circle only one): <b>Regular</b> Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used:		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case # <input type="checkbox"/> Interviewed? <input checked="" type="checkbox"/>
Hrs of sleep prior to shooting: <b>8</b>		Duty Time (hrs):		Other Factors: <b>No laser sights</b>
Age: <b>5-08</b>	Height: <b>160</b>	Weight: <b>160</b>		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest <b>Uniform w/ Vest</b> Raid Jacket w/ Vest Uniform no Vest Raid Jacket no Vest
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used?		Patrol Certification?	Certification Unit:	Prior Shootings? Number of Prior Shootings:
Field Training Officer Emp #		Last Name		First Name M.I.
Field Training Officer Emp #		Last Name		First Name M.I.

<b>E</b>	Employee #	Last Name	First Name	M.I.
Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (circle only one): EM PM Day		ShiftType (circle only one): Regular Overtime Off Duty		Intoxication/Drug Usage? <input type="checkbox"/>
Substance Used:		Coroner Case #		
Hospital Admission? <input type="checkbox"/>		Hospital Name:		Coroner Case # <input type="checkbox"/> Interviewed? <input type="checkbox"/>
Hrs of sleep prior to shooting:		Duty Time (hrs):		Other Factors:
Age:	Height:	Weight:		Clothing (circle only one): Plain Clothes no Vest Plain Clothes w/ Vest Uniform w/ Vest Raid Jacket w/ Vest Uniform no Vest Raid Jacket no Vest
Range Qualification Date:		PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? <input type="checkbox"/>		Patrol Certification? <input type="checkbox"/>	Certification Unit:	Prior Shootings? <input type="checkbox"/> Number of Prior Shootings:
Field Training Officer Emp #		Last Name		First Name M.I.
Field Training Officer Emp #		Last Name		First Name M.I.

# Officer Involved Shooting Suspect Information

URN: 006-00427-2824-145

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## Suspect Information

<b>S 1</b>	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex: <b>M</b>	Race: <b>H</b>	Street Address		City
	Work Phone:		Home Phone:	Social Security #:	Driver's License #:
	Age: <b>16</b>	D.O.B.	Height: <b>6-00</b>	Weight: <b>170</b>	FBI #
	Booking #		Primary Charge: <b>69 PV</b>		Secondary Charge: <b>148.4 PC</b>
	Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input checked="" type="checkbox"/>
	Armed? <input checked="" type="checkbox"/>		Apprehended? <input checked="" type="checkbox"/>		Substance Used: <b>Marijuana/Opiate</b>
	Vehicle Make		Model:		Year:
	<b>None</b>				

<b>S</b>	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City
	Work Phone:		Home Phone:	Social Security #:	Driver's License #:
	Age:	D.O.B.	Height:	Weight:	FBI #
	Booking #		Primary Charge:		Secondary Charge:
	Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>
	Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Substance Used:
	Vehicle Make		Model:		Year:

<b>S</b>	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City
	Work Phone:		Home Phone:	Social Security #:	Driver's License #:
	Age:	D.O.B.	Height:	Weight:	FBI #
	Booking #		Primary Charge:		Secondary Charge:
	Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>
	Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Substance Used:
	Vehicle Make		Model:		Year:

<b>S</b>	Last Name		First Name		M.I.
	AKA Last Name		First Name		M.I.
	Sex:	Race:	Street Address:		City
	Work Phone:		Home Phone:	Social Security #:	Driver's License #:
	Age:	D.O.B.	Height:	Weight:	FBI #
	Booking #		Primary Charge:		Secondary Charge:
	Coroner Case? <input type="checkbox"/>		Coroner Case #		Intoxication/Drug Usage? <input type="checkbox"/>
	Armed? <input type="checkbox"/>		Apprehended? <input type="checkbox"/>		Substance Used:
	Vehicle Make		Model:		Year:



**Los Angeles County Sheriff's Department**

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### Non-Employee Witnesses

[illegible]



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
JUSTICE SYSTEM INTEGRITY DIVISION**

STEVE COOLEY • District Attorney  
JOHN K. SPILLANE • Chief Deputy District Attorney  
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

2162446  
LA 00000000

May 25, 2006

Captain Raymond Peavy  
Homicide Bureau  
Los Angeles County Sheriff's Department  
5747 Rickenbacker Road  
Commerce, California 90040

Re: J.S.I.D. File No. 06-0018  
L.A.S.D. File No. 006-00427-2824-145

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 9, 2006, non-fatal shooting of [REDACTED] by Los Angeles County Sheriff's Deputies Patrick Neal and Manuel Martinez. It is the conclusion of this office that Deputies Neal and Martinez acted lawfully in self defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department Homicide Bureau, submitted to this office on April 13, 2006, by Detectives George Martinez and Jose Romero. No compelled statements were reviewed. The District Attorney Command Center was notified of this shooting at 2:22 a.m. on January 9, 2006. The District Attorney Response Team, consisting of Deputy District Attorney Daniel W. Baker and District Attorney Senior Investigator [REDACTED] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a walk through of the scene by Lieutenant Al Grotefend and interviewed 17 witnesses in conjunction with investigators from the Los Angeles County Sheriff's Department.

At approximately 1:24 a.m. on January 9, 2006, uniformed Los Angeles County Sheriff's Deputies Patrick Neal and Manuel Martinez responded to a call regarding an armed prowler. Neal, with Martinez as his passenger, was driving a marked black and white Sheriff's patrol car westbound from Long Beach Boulevard on Elm Street approaching Burris Avenue in the City of

Clara Shortridge Foltz Criminal Justice Center  
210 West Temple Street  
Los Angeles, CA 90012-3210  
(213) 974-3888  
WEBSITE: <http://da.co.la.ca.us>



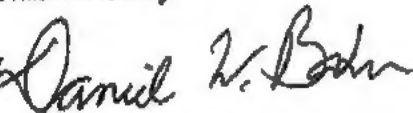
Compton. They each observed [REDACTED] in the center of Elm Street holding a Tech-9 machine gun. [REDACTED] took cover behind a telephone pole on the south side of Elm Street and pointed the Tech-9 in the deputies' direction. Neal and Martinez exited the patrol car and ordered [REDACTED] to drop the Tech-9. Instead of complying, [REDACTED] came from behind the telephone pole and ran in the deputies' direction while pointing the Tech-9 directly at them. Neal and Martinez, fearful that [REDACTED] was going to shoot them, both shot at the rapidly approaching [REDACTED] was struck by the deputies' gunfire and fell to the ground. On Neal's command, he threw the Tech-9 onto the street. [REDACTED] was taken by ambulance to St. Francis Medical Center where he was treated for gunshot wounds. Investigators who recovered the Tech-9 from the street found that it was a plastic replica of a Tech-9, not a firearm.

Pursuant to California law, a person is justified in using deadly force in self-defense when that person reasonably believes that he or she is in imminent danger of being killed or suffering great bodily injury and that the use of deadly force is necessary to protect against that danger. *Judicial Council of California Criminal Jury Instructions 505*. It is also well established law that the appearance of danger, as distinguished from actual danger, may be sufficient to justify the use of deadly force. *People v. Jackson* (1965) 233 Cal.App. 2d 639, 642.

The evidence reviewed in this investigation indicates that [REDACTED] pointed a replica Tech-9 firearm at Deputies Neal and Martinez. Because the replica was identical in size and appearance to a Tech-9, it was not possible to ascertain that it was plastic without physically examining it. Given the darkness and the aggressive manner in which [REDACTED] behaved while wielding the replica Tech-9, the deputies' belief that their lives were in danger was reasonable. Therefore, it is our opinion and legal conclusion that Deputies Neal and Martinez acted lawfully in self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY  
District Attorney

By   
DANIEL W. BAKER  
Deputy District Attorney

c: Deputy Patrick Neal # [REDACTED]  
Deputy Manuel Martinez # [REDACTED]